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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/480,844	01/10/2000	NIGEL P. STREET	11283/3	4834
30636	7590	05/20/2005	EXAMINER	
FAY KAPLUN & MARCIN, LLP 150 BROADWAY, SUITE 702 NEW YORK, NY 10038			TO, BAOQUOC N	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/480,844	<b>Applicant(s)</b> STREET ET AL.	
	<b>Examiner</b> Baoquoc N. To	<b>Art Unit</b> 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 35 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-14 and 35 are pending in this application.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1 and 35 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-14 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Haverstock et al. (US. Patent No. 6,678,738 B1).

Regarding on claims 1 and 35, Haverstock teaches method for retrieving and presenting data from a target system, comprising:

receiving target system information from the target system (non-html object) (col. 3, lines 30-35);

retrieving a set of object description files corresponding to the target system information (col. 3, lines 25-40);

sending to a client a set of objects supported based on the set of object description files retrieved (col. 3, lines 49-52);

receiving a selected object from the client (user submits a URL-based request for an object) (col. 3, lines 54-55);

selecting one of the set of object description files corresponding to the selected object (selecting non-HTML server) (col. 3, lines 58-60);

retrieving one of a set of data retrieval programs corresponding to the target system information (col. 3, lines 60-61);

retrieving object data about the selected object using the retrieved one of the set of data retrieval programs (user selection) (col. 11, lines 7-15);

decoding (translate) the object data about the user selected object using the selected one of the set of object description files corresponding to the selected object to form decoded object data (col. 5, lines 20-28); and

sending the decoded object data and a presentation format to the client allowing the client to be data driven (the process returns) (col. 9, lines 7-11).

Regarding on claim 2, Haverstock teaches the target system information includes a processor type of the target system and an operating system type of the target system (col. 4, lines 1-5).

Regarding on claim 3, Haverstock teaches the set of object description files is a set of XML object description files (html) (col. 3, lines 60-65) and the set of data retrieval programs is a set of Gopher programs (retrieval program) (col. 3, lines 60-62).

Regarding on claim 4, Haverstock teaches the retrieving the set of object description files corresponding to the target system information includes retrieving the set of XML object description files corresponding to the operating system type of the target system (col. 3, lines 60-62).

Regarding on claim 5, Haverstock teaches wherein retrieving the set of object description files corresponding to the target system information includes retrieving a set of user-defined XML description files corresponding to the operating system type of the target system (col. 4, lines 1-5).

Regarding on claim 6, Haverstock teaches the selected object is received from the client using an application programming interface (interface) (col. 3, lines 54-61).

Regarding on claim 7, Haverstock teaches retrieving one of the set of data retrieval programs corresponding to the target system information includes retrieving one of the set of Gopher programs corresponding to the processor type of the target system (col. 3, lines 34-44).

Regarding on claim 8, Haverstock teaches retrieving the object data about the selected object includes passing the retrieved one of the set of Gopher programs through a target interface to retrieve the object data for the selected object from the target system (col. 8, lines 40-47).

Regarding on claim 9, Haverstock teaches the client is an object browser (web browser) (col. 3, lines 30-40).

Regarding on claim 10, Haverstock teaches the set of XML object description files is stored in an XML object database (col. 3, lines 30-35) and the set of Gopher programs is stored in the XML object database (retrieval program) (col. 3, lines 60-65).

Regarding on claim 11, Haverstock teaches the set of object description files is a set of XML object description files and the set of data retrieval programs is a set of data extraction routines (retrieve means extract) (col. 3, lines 60-65).

Regarding on claim 12, Haverstock teaches accessing the object database to retrieve one of a set of data retrieval programs corresponding to the target system information includes accessing the object description module to retrieve one of the set of data extraction routines corresponding to the processor type of the target system (retrieve means extract) (col. 3, lines 60-65).

Regarding o claim 13, Haverstock teaches retrieving the object data about the selected object includes passing the retrieved one of the set of data extraction routines through a target interface to retrieve the object data for the selected object from the target system (interface) (col. 3, lines 44-60).

Regarding on claim 14, Haverstock the set of XML object description files is stored in an object description module and the set of data retrieval programs is stored in the object description module (col. 3, lines 44-60).

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-

1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at (703) 305-9790.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231.


The fax numbers for the organization where this application or proceeding is assigned are as follow:

(703) 872-9306 [Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II  
2121 Crystal Drive  
Arlington, VA 22202  
Fourth Floor (Receptionist).

Baoquoc N. To  
May 14, 2005

  
JEAN M. CORRIELUS  
PRIMARY EXAMINER